

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEO OSWALD,)	
)	
Plaintiff,)	Case No. 1:04-cv-830
)	
v.)	Honorable Richard Alan Enslen
)	
LARRY JULIAN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER DENYING MOTIONS FOR RECONSIDERATION

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On May 3, 2005, after conducting the review required under the Prison Litigation Reform Act, PUB. L. NO. 104-134, 110 STAT. 1321 (1996) (“PLRA”), the Court entered an Opinion and Order (Dkt. Nos. 8 & 9) dismissing the majority of the claims and Defendants on the grounds that Plaintiff had failed to state a claim upon which relief could be granted. 28 U.S.C. § 1915A; 42 U.S.C. § 1997e(c). The Court ordered service of Plaintiff’s remaining claims against Defendants Rubitschun and Kleinhardt. Thereafter, on May 6, 2005, the Court issued an Order (Dkt. No. 10), denying Plaintiff’s motion for class certification. The matter now is before the Court on Plaintiff’s motions for reconsideration of both decisions (Dkt. Nos. 12 & 13).

Pursuant to FED. R. CIV. P. 54(b), a motion for reconsideration of a non-final order is subject to reconsideration at any time before entry of a final judgment. Under the local rules, a motion for reconsideration may not present the same issue ruled upon. W.D. MICH. LCivR 7.4(a).

The movant must demonstrate a palpable defect by which the court has been misled and that a different disposition of the case must result from a correction thereof. *Id.*

Plaintiff makes no effort to demonstrate error. Instead, he makes baseless allegations as to the Court's possible ulterior motives for reaching its decisions. Because he has failed to show palpable defect in the Court's determinations, his motions for reconsideration will be denied. Accordingly, for the reasons set forth in the Court's prior decisions of May 3, 2005 (Dkt. Nos. 8 & 9) and May 6, 1993 (Dkt. No. 10),

IT IS HEREBY ORDERED that Plaintiff's motions for reconsideration (Dkt. Nos. 12 & 13) are **DENIED**.

DATED in Kalamazoo, MI:
June 3, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE